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Attorneys for Defendants
UBS Financial Services, Inc. (also sued as UBS/Paine
Webber) and UBS/Paine Webber Partner's Plus

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Alva Gene Thaning,

Plaintiff,

v.

UBS/Paine Webber, UBS/Paine Webber Partner's
Plus, UBS Financial Services, Inc.,

Defendants.

No. 07-5528 MJJ

**DEFENDANTS' AMENDED NOTICE
OF MOTION TO COMPEL
ARBITRATION AND STAY
PROCEEDINGS**

Date: April 16, 2008
Time: 9:00 a.m.
Place: Courtroom 3, 17th Flr.
Judge: Hon. Phyllis J. Hamilton

**DEFENDANTS' AMENDED NOTICE OF MOTION TO
COMPEL ARBITRATION AND FOR STAY**

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, pursuant to this Court's order at the Case Management Conference, Defendants' Motion To Compel Arbitration And Stay Proceedings shall be heard on April 16, 2008, at 9:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Phyllis J. Hamilton, in Courtroom 3 of the above-captioned court, 450 Golden Gate Avenue, San Francisco, California 94102. Defendants UBS Financial Services Inc. (also sued as UBS/Paine Webber) and UBS PartnerPlus Plan (erroneously sued as UBS/Paine Webber Partner's Plus) (collectively, "Defendants") will and hereby do move for an order

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CASE NO.: 07-5528 MJJ

1 compelling arbitration and staying all causes of action alleged in Plaintiff's Complaint filed on
2 October 30, 2007.

3 This motion is based on the Federal Arbitration Act (the "FAA"), 9 U.S.C. §§ 1
4 *et seq.*, and is made on the grounds that the Complaint, and each and every cause of action
5 contained therein, is subject to binding arbitration.

6 This motion is based on this Amended Notice of Motion and Motion, the
7 previously filed Memorandum of Points and Authorities and accompanying Declarations of
8 Michael O'Connell and Walter M. Stella, all papers and records on file herein, and on all oral
9 and documentary evidence as may be presented at the hearing on this matter.

10 DATED: March 17, 2008

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12 Bingham McCutchen LLP

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14 By: /s/ Walter M. Stella
15 Walter M. Stella
16 Attorneys for Defendants
17 UBS Financial Services, Inc. (also sued as
18 UBS/Paine Webber) and UBS/Paine Webber
19 Partner's Plus
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